

Notice of Allowability

Application No.

10/092,524

Examiner

Emmanuel Sayoc

Applicant(s)

KAGAWA ET AL.

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 7/25/2005.
2. ☒ The allowed claim(s) is/are 2 and 9-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: the prior art neither discloses nor makes obvious the combination set forth in the claims by not disclosing a roller pump with a reduction gear and a gear housing integral with the pump housing wherein a part of the inner surface of the pump housing is composed of a semicircle of which center coincides with the center of the drive shaft, another part of the inner surface is composed of a partial circle of which center is shifted from the center of the drive shaft, and of which the length of radius is equal to that of the semicircle. Also each of end portions of the semicircle and each of end portions of the partial circle are connected by each of tangential lines extending from each end portions of the semicircle toward each end portions of the partial circle respectively. The prior art also does not teach an embodiment of the invention where the length of radius of the partial circle is longer than that of the semicircle. Finally the prior art does not teach the stated roller pump wherein an inlet slot into which an inlet portion of the elastic tube is inserted to attach the inlet portion to the pump housing. In particular the inlet slot is provided with a lever for pressing the inlet portion into the inlet slot to hold the inlet portion in the inlet slot, where the lever is rotated perpendicularly to the axis of the elastic tube by a spring force to press the inlet portion of said elastic tube – essentially biased closed. A similar configuration is included on the outlet and outlet portion of the pump.

Becker (U.S. 4,558,996) was cited for teaching an analogous roller pump as in the claimed invention. The pump is insufficient in that it does not teach the inner wall

Art Unit: 3746

configuration of the claimed invention nor does it teach the configuration of the pump clamp lever.

Lepak (U.S. 3,644,068), and Tsukada (U.S. 4,969,808) pumps do not teach the inner wall configuration of the claimed invention nor do they teach the configuration of the pump clamp lever, however they are pertinent for teaching reduction gears and gear housings in the pump.

Ohira et al. (JP 60088885 A), Sikes (U.S. 3,885,894), and Hankinson (U.S. 3,963,023) teach various roller pump lever clamps but do not teach the configuration of the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Sayoc whose telephone number is (571) 272 4832. The examiner can normally be reached on M-F 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on (571) 272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Emmanuel Sayoc
Examiner
Art Unit 3746

ECS



CHARLES G. FREAY
PRIMARY EXAMINER